

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Lambert Wayne LeRoux, *et al.*

Serial No.: 09/592,776

Filed: June 13, 2000

Art Unit: 3691

Examiner: GRAHAM, Clement B.

Conf. No.: 8001

Title: SYSTEM AND METHOD FOR PAYMENT DATA PROCESSING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE**

In regards to the Notice Of Allowance mailed June 22, 2011, it is noted that the Examiner has failed to provide any reasons why the noted difference between the allowed claims and the prior art is considered to define the allowed claims over the prior art, and the reason therefore is not clear in the record. For example, the Examiner indicates in the Reasons for Allowance that the claims are allowable because the prior art fails to disclose or suggest certain features recited in various claims. As such, the statement on the Reasons for Allowance fails to address the proper construction of the claims. As claim construction relies on the claims as a whole, the specification and the prosecution history, merely stating that the prior art fails to disclose or suggest the features recited in the various claims fails to provide any reasons why the noted difference between the allowed claims and the prior art is considered to define the allowed

claims over the prior art. Merely identifying a feature from the claims that is not present in the prior art fails to construe that feature in any meaningful way.

Respectfully submitted,

JACKSON WALKER L.L.P.

Dated: September 22, 2011

By: 

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